



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,109	11/30/2001	Sean S. Josephson	15-NM-6150 (070191-0324)	4424

7590 05/28/2003

Paul S. Hunter
FOLEY & LARDNER
Firstar Center
777 East Wisconsin Avenue
Milwaukee, WI 53202-5367

EXAMINER

CONLEY, FREDRICK C

ART UNIT PAPER NUMBER

3673

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,109

Applicant(s)

JOSEPHSON ET AL.

Examiner

Fredrick C Conley

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-21 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 21 recite the limitations "the table, the patient cradle, and the actuator". There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,513,406 to Foster et al.

In reference to claims 1 and 6, Foster discloses a patient transport system for transporting a patient from a magnetic resonance imaging system to a second imaging system, the patient transport system comprising:

an elongated member 118 having an upper surface configured to support a patient;

a first coupling mechanism 59 attached to the elongated member configured to removably couple the elongated member to the magnetic resonance imaging system.

Bergman fails to disclose a second coupling mechanism attached to the elongated

Art Unit: 3673

member. Foster discloses a patient transport system employing first and second docking/coupling systems at the head and foot of the patient transport coupling the transport to a plurality of diagnostic and imaging systems (col. 3-4 lines 34-67 & 1-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to attach a second coupling mechanism to the opposite end of the patient support in order to permit the patient to remain on a single hospital bed thereby reducing the number of patient bed surface-to-surface transfers the patient must endure.

Regarding claim 4, wherein the second imaging system is an X-ray imaging system having a pedestal, wherein the second coupling mechanism is configured to be removably coupled to the pedestal of the X-ray system.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,513,406 to Foster et al., and further in view of U.S. Pat. No. 5,490,297 to Bradcovich et al.

In reference to claim 2, Bergman discloses all of the Applicant's claimed limitations except for the elongated member comprising a cradle and a table wherein the cradle rest on the table. Bradcovich discloses a cradle 128 resting on a table 126 of an elongated member. It would have been obvious at the time of the invention to employ the cradle and table with the elongated member in order to provide an imaging table which can transport and support a patient between MRI and X-ray devices within an medical center.

Art Unit: 3673

Regarding claim 5, wherein the elongated member has a structure suitable for supporting the weight of a human patient in a cantilevered fashion at the second coupling mechanism (Bradovich).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,513,406 to Foster et al., and further in view of U.S. Pat. No. 4,145,612 to Cooper.

In reference to claim 7, Bergman discloses all of the Applicant's claimed limitations except for the elongated member comprised of Kevlar. Cooper discloses an elongated member comprised of Kevlar (col. 3 lines 28-30). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the elongated member comprised of Kevlar in order to provide a composite that results in a scratch resistant patient support surface.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,513,406 to Foster et al., and further in view of U.S. Pat. No. 5,210,893 to Uosaki et al.

In reference to claim 8, Bergman discloses all of the Applicant's claimed limitations except for the elongated member having an arcuately shaped cross-section. Uosaki discloses that it is well known for an elongated member 30 to have an arcuately shaped cross-section (fig. 2). Since it is well known it would have been obvious to one having ordinary skill in the art at the time of the invention to have an arcuately shaped elongated member in order to move a portion of a subject to the apparatus for diagnosis.

Art Unit: 3673

Claims 9-10, 12, 16-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,513,406 to Foster et al in view of U.S. Pat. No. 4,567,894 to Bergman.

In reference to claim 9, Foster discloses a patient transport system for transporting a patient in a medical imaging environment, comprising an elongated patient support member having a first end opposite a second end, wherein the first end is configured to be coupled and the second end is configured to be coupled (col. 3-4 lines 34-67 & 1-24)(Foster). Foster fails to disclose a coupling arrangement on first and second imaging system. Bergman discloses a coupling arrangement 16 on an imaging system. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a coupling arrangement on the imaging systems that is compatible with the coupling arrangement on the patient surface in order to dock the support surface to the imaging systems, such as an MRI and X-ray imaging systems.

Regarding claim 10, wherein the elongated patient support member is suitable for use in both a magnetic resonance imaging environment and an X-ray imaging device.

Regarding claim 12, further comprising a plurality of wheels 226 coupled to the elongated patient support member configured to roll the elongated patient support member along a floor.

Art Unit: 3673

In reference to claims 16-18, Foster discloses a patient transport system for transporting a patient between two different medical modalities, the patient transport system comprising:

a patient support surface comprising a first end compatible with a coupling arrangement system and a second end compatible with a second coupling arrangement (col. 3-4 lines 34-67 & 1-24)(Foster). Foster fails to disclose a coupling arrangement on first and second imaging system. Bergman discloses a coupling arrangement 16 on an imaging system. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a coupling arrangement on the imaging systems that is compatible with the coupling arrangement on the patient surface in order to dock the support surface to the imaging systems, such as an MRI and X-ray imaging systems.

Regarding claim 20, wherein the table comprises wheels 226 configured to move the table along a floor.

Regarding claim 21, wherein an actuator (col. 7 lines 14-21) is actuated by a human operator (Bergman).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over to U.S. Pat. No. 5,513,406 to Foster et al., in view of U.S. Pat. No. 4,567,894 to Bergman, and further in view of U.S. Pat. No. 4,145,612 to Cooper.

In reference to claim 11, Bradcovich discloses all of the Applicant's claimed limitations except for the elongated member comprised of Kevlar. Cooper discloses an elongated member comprised of Kevlar (col. 3 lines 28-30). It would have been obvious

to one having ordinary skill in the art at the time of the invention to have the elongate member comprised of Kevlar in order to provide a composite that results in a scratch resistant patient support surface.

Claims 13-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,513,406 to Foster et al in view of U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,490,297 to Bradcovich et al.

In reference to claims 13-15 and 19, Foster discloses all of the Applicant's claimed limitations except for the elongated member comprising a cradle and a table wherein the cradle rest on the table. Bradcovich discloses a cradle 128 resting on a table 126 of an elongated member configured to support a cantilevered human patient at an end wherein the table comprises a mounting surface configured to receive the patient cradle in a substantially fixed relationship (col. 6 lines 13-26). It would have been obvious at the time of the invention to employ the cradle and table with the elongated member in order to provide an imaging table which can transport and support a patient between MRI and X-ray devices within an medical center.

Allowable Subject Matter

Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3673

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are 305-7687 for regular communications and 3057687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

F6



May 21, 2003